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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,850	04/15/2002	Martin Berg		8228
26574	7590	06/22/2004		
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473				
			EXAMINER NGUYEN, ANTHONY H	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,850

Applicant(s)

BERG ET AL.

Examiner

Anthony H Nguyen

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OK

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) 20, 21, 28-30, 36, 38 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 22-26, 31-35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Applicant's election with traverse of Figure 3, claims 18, 19, 22-27, 31-35 and 37 in Paper No. 11 is acknowledged. The traversal is on the ground(s) that the independent claims are generic to all of the identified species including the inking of the drum impression and the cleaning of the drum impression during the printing operation and examination can be done without serious burden. Applicant stated that the issued claims 1-17 which are generic in the patent EP 1 189 754 B is acknowledged. However, this is not found persuasive because the election species is required for proper US practice; and while the applicants' Figures show the printing drum having the inking impression and the cleaning of the drum impression during the printing operation, the Figures also show many different species. For example, Fig.2 shows the exposure device 70 and a control unit 78, Fig.3 shows an ultrasound bath 214, Fig.5 shows the drum that can be cleaned by a potential different U1 and U2 and Figures 6,7 show the cleaning station which includes a blow unit 260 or a suction unit 270.

Thus the traversal is not found persuasive because it fails to show that the various species are not patentably distinct, and overlooks the extra burden of examining more than one species.

The requirement has been reconsidered but is still deemed proper and is therefore repeated and made FINAL.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on March 28, 2004 have been disapproved because they introduce new

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matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the control unit for actuation of the cleaning station and the inking station.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The amendment filed March 29, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the specification, as original filed, does not provide support for the control unit for actuation of the cleaning station which "simultaneously places the cleaning station and the inking station into operation during the printing event" invention as claimed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 34-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the specification, as original filed, does not provide support for the invention as claimed.

Claim Objections

The newly amended claim 37 is objected to because it appears that applicant has attempted to claim multiple species in one claim.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 19, 22, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Love (US 4,729,310).

Love teaches a method and a printing device for printing a carrier materials comprising the steps of rotating a printing drum having a plurality of depressions for accepting printing fluid (Love, Figs. 1-3 and 9-11 and col.23 lines 45-49), introducing a printing fluid by an inking station 50, employing the printing fluid moving pass a printing station for printing on a carrier material 8, removing the printing fluid by a cleaning station 12 and operating the cleaning station and the inking station simultaneously via a controller 80 (Love, Fig.8, col.6 the first paragraph).

With respect to claim 19, Figs. 1-3 of Love show the cleaning drum or roller of the cleaning station 12 which lies parallel to the printing drum. Also, note that the step of cleaning is the same regardless of the material of the cleaning drum or roller.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25, 31, 32 and 37 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Love (US 4,729,310) in view of Sondergeld et al. (US 5,911,175).

With respect to claims 23-25, Love teaches all that is claimed, except the step of immersing the depression moving past a cleaning container into a cleaning fluid. Sondergeld et al. teaches a method and device for cleaning a cylinder surface having the step of immersing an applicator roller or a cleaning roll 9 which includes depressions 11 (Sondergeld et al., Figs. 1 and 2) into the cleaning fluid in a container 12. In view of the teaching of Sondergeld et al., it would have been obvious to one of ordinary skill in the art to modify the method for printing a carrier of Love by providing the step of immersing the depression into a cleaning fluid for optimum cleaning effects on the surface of the cylinder to be cleaned.

With respect to claim 24, Figure 1 of Sondergeld et al. shows the container 12 and cleaning fluid which are arranged under the printing cylinder 5.

With respect to claim 25, the step of using the printing fluid as a cleaning fluid is simply known. Therefore, it involves no apparent unobviousness.

Claim 26 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Love in view of Sondergeld et al. as applied to claims 23-25, 31, 32 and 37 above, and further in view of Wenzel (US 4,716,829).

The combination of Love and Sondergeld et al. teach all that is claimed, except for the use of ultrasound. Wenzel teaches a method for cleaning the surface of a rotogravure roll 12 including the step of utilizing ultrasound (Wenzel, col.8 lines 42-61). In view of the teaching of Wenzel, it would have been obvious to one of ordinary skill in the art to modify the method of Love and Sondergeld et al. by providing the step of utilizing ultrasound for cleaning as taught by Wenzel for quickly cleaning the surface of a gravure roller utilizing the printing fluid as the cleaning fluid.

Claims 32 and 33 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Love in view of Sondergeld et al. as applied to claims 23-26, 31, 32 and 37 above, and further in view of Ota et al. (US 5,749,293).

Love and Sondergeld et al. teach all that is claimed, except for the step of rejuvenating the printing fluid. Ota et al. teaches a step of rejuvenating the printing fluid 3 (Ota et al., col.3 lines 32-39). In view of the teaching of Ota et al., it would have been obvious to one of ordinary skill in the art to modify the method of Love and Sondergeld et al. by providing the step of rejuvenating the printing fluid as taught by Ota et al. for maintaining optimum print quality.

Response to Arguments

Applicants' arguments filed on April 12, 2004 have been fully considered but they are not persuasive of any error in the above rejection.

Applicant argues that the election requirement is improper since all the independent and a significant number of dependent claims are generic to all the disclosed species.

However, as indicated above, the requirement has been reconsidered but is still deemed proper and is therefore repeated.

Applicant argues that Love fails to teach the step of cleaning the depression in the gravure plate of the ink and controlling the quantity of in the gravure depressions.

However, as explained above, Love teaches the steps of rotating a printing drum, introducing a printing fluid by an inking station, employing the printing fluid moving pass a printing station for printing on a carrier material, removing the printing fluid by a cleaning station and operating the cleaning station and the inking station simultaneously via a controller as recited in the claims.

Applicant argues that the combination of Love and Sondergeld et al. does not teach the method as recited.

However, as explained above, the combination of Love and Sondergeld et al. renders obvious the steps of removing a printing fluid via a cleaning station having a cleaning container arranged under the printing drum as recited. The step of operating

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the cleaning station and the inking station simultaneously during the printing operation is rendered obvious in view of the controller 80 which can selectively operate any of the various subs-systems such as cleaning station or inking station as shown in Fig.7 of Love. The combination of Love, Sondergeld et al. and Wenzel renders obvious the step as recited in claim 26. The combination of Love, Sondergeld et al. and Ota et al. renders obvious the step as recited in claims 32 and 33. Therefore, there is no apparent unobviousness in the method or structure as recited in claims relative to the method and structure of the prior art as applied. It is believed that the rejections are proper.

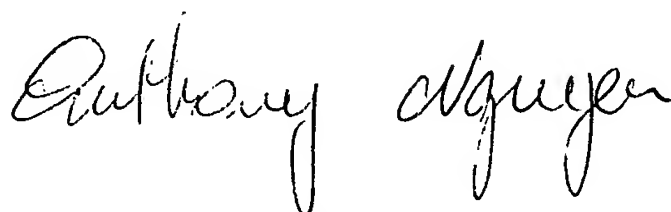
Conclusion

The patents to Hudson and Michlin et al. are cited to show other methods and structures having obvious similarities to the claimed method and structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen
6/18/04
Patent Examiner
Technology Center 2800